

Independent Executive Branch Ethics Commission

2018 Annual Summary Data Report to the Utah Legislative Management Committee



Independent Executive Branch Ethics Commission

Commission Chair: Gary Doxey

Executive Director: Justin J. Atwater

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Purpose of the Report

The Independent Executive Branch Ethics Commission was created legislatively in 2013 by SB 86; later codified in Utah Code Ann. Title 63A, Chapter 14. The Commission's duties include reviewing ethics complaints regarding the following executive branch elected officials: Governor, Lt. Governor, Attorney General, State Auditor and State Treasurer. If the Commission concludes by clear and convincing evidence that a complaint has merit, it shall make its findings public and forward them to the Legislature for further review.

The Commission is comprised of five volunteer members; two members who previously served as state elected officials or who held management positions in the state executive branch, one member who previously served as a judge or who is a licensed attorney and two citizen members.

This Annual Summary Data Report to the Utah Legislative Management Committee was prepared in accordance with Utah Code Annotated Section 63A-14-203(3). The foregoing statute requires the Independent Executive Branch Ethics Commission to prepare an annual summary data report of the Commission's activities, including the following:

1. A general description of the activities of the Commission during the past year;
2. Statistical information regarding ethics complaints filed with the Commission in the past year; and
3. An accounting of the Commission's budget and expenditures

Except for budgetary information, which is reported on a fiscal year basis, all information provided in this report is reported on a calendar year basis.

General Description of Activities

The 2018 Commission membership was as follows:

Gary Doxey, Chair
Sandra Peuler
Corey Hodges
Ronda Menlove
Rich Nelson

Gary Doxey was elected by the Commission members as chair of the Commission for the 2018 and 2019 Calendar Years.

Statistical Information for Ethical Complaints

The following table summarizes statistical information for ethical complaints filed with the Commission during calendar year 2018:

	2018 Complaints			
Number of Complaints Carried Forward from 2017	Number of Complaints Received in 2018	Number of Executives in Complaint(s)	Number of Reviews Completed	Number of Complaints Carried into 2019
1	0	1	0	1

In 2018, the Ethics Commission reviewed one complaint. This complaint was carried forward from 2017. Consideration of this complaint is ongoing and has been carried into calendar year 2019 as the result of motions filed by the parties and their mutual requests for additional time.

For the information of the Legislative Management Committee, the Ethics Commission received multiple filings and communications during 2018 that did not meet the statutory requirements to be considered by the Ethics Commission as “complaints.” These filings and communications required a full review and analysis of the statutory requirements by the executive director to determine their sufficiency (or lack thereof) and communication by the executive director with the filing party to note their insufficiency and provide assistance on statutory filing requirements.

Accounting of Commission's Budget and Expenditures

The Commission's budget is funded annually by appropriation. For FY 2018, the legislative annual ongoing appropriation was \$3,000.00 plus a one-time supplemental appropriation of \$17,500.00. The Commission had non-lapsing carry forward budget from the previous year (from a one-time legislative contribution) in the amount of \$33,484.00, resulting in total available funds in the amount of \$53,984.00. Commission expenses for FY 2018 were \$4,758.36, leaving a balance of \$49,225.64. Pursuant to statute, the Commissioners volunteered or donated their time and expenditures were made up of per diem, staff compensation, and costs relating to Commission business.

*Disclaimer. Except in certain limited circumstances specified by statute, all complaints, papers and testimony received or maintained by the Commission, and the record of any confidential hearings conducted by the Commission, are confidential, and cannot be disclosed. The Commission is governed by Utah Code Ann. Title 63A, Chapter 14.